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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/312,740

05/14/1999

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108473.114

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25247 7590 01/25/2008

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ART UNIT

PAPER NUMBER

3623

MAIL DATE

DELIVERY MODE

01/25/2008

PAPER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/312,740
Filing Date: May 14, 1999
Appellant(s): BEAVEN, DOUGLAS F.

Gordon E. Nelson
(Reg. No. 30,093)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 7, 2007 appealing from the Office action mailed May 21, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

An Appeal Brief was filed on 9/17/2007 for related application 10/765,424.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows:

On page 5 of the Appeal Brief, Appellant states that the rejection of claims 95 and 96 stands and falls with the rejection of claims 211,191-194 and 197. It appears that Appellant meant to write the rejection of **claims 195 and 196** stands and falls with the rejection of claims 211,191-194 and 197 as claims 95 and 96 are not currently pending.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,442,557

BUTEAU et al.

08-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 191-194 and 197-211 are rejected under 35 U.S.C. 102(e) as being anticipated by Buteau et al (U.S. 6,442,557).

As per claim 211, Buteau discloses a system for supporting management of a collaborative activity by persons involved therein, the persons not being specialists in information technology and the system comprising:

a representation of a model of the collaborative activity, the representation being accessible to a processor and the model of the collaborative activity including model entities (col. 10, lines 10-27; The organization roles entity models the interaction (i.e., collaborative activity) between various organizations, or entities, within an enterprise. The model reflects the roles a given entity has in a given process.), the model entities providing access to information concerning the collaborative activity, being organized into a plurality of hierarchies having a plurality of types, and a given model entity being

capable of simultaneously belonging to a hierarchy having one of the types and a hierarchy having another of the types (col. 7, lines 19-26; col. 10, lines 6-13 and 32-39; Figure 7; Figure 4 illustrates one-to-many relationships among the organization model entities, showing entities having several hierarchical relationships. For example, each organization may be apart of another organization, and each organization may have more than one role, location, people, organization type, etc., thus being associated with multiple organizational hierarchies; In the organization roles entity model, each entity must be associated with a role type, organization entity, and process entity. For example, an organization may be a customer of another organization. The model entity hierarchies are stored in a relational database, thereby being accessible to a processor. Figure 7 illustrates hierarchies of model entities. For example, each organization entity has an organization role which has an organization role type, thereby exemplifying the organizations hierarchy.); and

a graphical user interface for the system which the processor provides to the persons, the graphical user interface permitting a person of the persons to perform operations on a model entity as limited by a type of access which the person has to the model entity, the operations including controlling access to the model entity, creating, modifying, and/or deleting the model entity, assigning the model entity to a location in a hierarchy, accessing and/or modifying the information concerning the collaborative activity via the model entity, viewing model entities as ordered by a hierarchy to which the entities belong, and viewing model entities as ordered by a value in the information concerning the collaborative activity to which the entities give access (col. 22, lines 20-

31; Figure 8; A user interface implements common user interface features (i.e., drop-down menus) for enabling a user to edit data into the database entity models as illustrated by the "Edit Organizations" label at the top of the GUI in Figure 8, where organizations is a model and locations, types of people and technology acquisitions are model entities. The user interface limits access to the database entity models by using the common user interface features such as drop-down menus to control the format of the data being submitted to the database.).

As per claim 191, Buteau discloses there is a plurality of types of model entities; and the graphical user interface shows a model entity's type (col. 5, lines 26-32; col. 6, lines 3-5; col. 8, lines 34-40; col. 11, lines 46-48; col. 13, lines 5-8 and 49-51; Figures 7-8; The system is a framework for organizing information about specific information models, including specifying entity types for each entity model. The GUI in Figure 8 allows users to view the entity types of locations, people and technology for the organizations model.).

As per claim 192, Buteau discloses the model has further representations of further information that are related to the model entities (col. 6, lines 3-47; The entity models provide further information about the entities including further data on information, workflow and technology relationships among the entities.); the graphical user interface further permits the user to access the representations of the related further information, via the model entities to which the representations are related (col. 22, lines 20-31; Figure 8; A user interface implements common user interface features (i.e., drop-down menus) for enabling a user to edit various data into the database entity

models. The user interface limits access to the database entity models by using the common user interface features such as drop-down menus to control the format of the data being submitted to the database. The GUI in Figure 8 allows users to view the entity types of locations, people and technology (i.e., which is further information) for the organizations model.).

As per claim 193, Buteau discloses the graphical user interface further permits the user to modify the further information (col. 22, lines 20-31; Figure 8; A user interface implements common user interface features (i.e., drop-down menus) for enabling a user to edit data into the database entity models. The user interface limits access to the database entity models by using the common user interface features such as drop-down menus to control the format of the data being submitted to the database.).

As per claim 194, Buteau discloses the additional information is a document that is accessible to the system (col. 2, line 38; col. 6, lines 52-57; Figure 5; A data structure information model maintains the types and formats of information used by the enterprise.).

As per claims 197 and 210, Buteau discloses a data storage device (col. 2, lines 43-48; Figure 3; A database program is executed on a computer for managing enterprise models.).

As per claims 198-209, they recite similar limitations already rejected in claims 211 and 191-194, 197 and 210. Hence, the same rejections apply for claims 198-209 as applied to claims 211 and 191-194, 197 and 210.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 195 and 196 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buteau et al (U.S. 6,442,557).

As per 195, Buteau does not explicitly teach information is a message sent to a person by another person. Official notice is taken that both the concept and advantage of sending messages between people is well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a messaging system in a processing management system to provide a more efficient means of communicating information among people.

As per claim 196, Buteau does not explicitly teach there is an information discussion concerning the model entity among the persons. Official notice is taken that both the concept and advantage of discussing model entities (i.e., enterprise organization charts, etc.) between people (i.e., management) is well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a discussion means to provide a more efficient means of communicating enterprise organizational information among people.

(10) Response to Argument

Appellant's arguments have been fully considered, but found unpersuasive. In the Remarks, Appellant argues the following:

1) the Buteau reference does not permit a model entity to belong to two different types of hierarchies (pages 6, 8 and 11-12 of Appeal Brief);

2) the Buteau reference is not a system for supporting management of a collaborative activity by person involved therein, *the person not being specialists in information technology* (pages 8-12 of Appeal Brief); and

3) the graphical user interface (GUI) of the Buteau reference does not disclose allowing a non-technical user to employ the GUI to control access to the model entity, assign the model entity to a location in a hierarchy or view model entities as ordered by a value in the information concerning the collaborative activity to which the entities give access (pages 8-9 of Appeal Brief).

In response to argument 1), Examiner respectfully disagrees. In col. 10, lines 10-27, Buteau discloses the "organization" model entity may be a part of another organization model entity *beyond its own hierarchical relationship*. Col. 10, lines 10-27 also discuss an example in which an organization may be a customer of another organization. Figures 4 and 7 illustrate entity relationship diagrams in which organizations may have one-to-many relationships with other organizations and where each organization has a specific hierarchy including role, location, people, organization type, etc. In other words, each organization may be a part of another organization, and

since each organization may have more than one role, location, people, organization type, etc., each organization may be associated with multiple organizational hierarchies. Thus, Buteau does allow an organization model entity to belong to two different types of hierarchies.

In response to argument 2), Examiner respectfully disagrees. Examiner first points out that the persons of lines 10-12 of claim 211 are the persons from the preamble, which are *persons not being specialists in information technology*. Based on how the claim is currently recited, the fact that a person is not a specialist in information technology does not affect the functionality performed by the graphical user interface of "permitting a person of the persons to perform operations on a model entity." Since the title of the person (i.e., the person not being an information technology specialist) interacting with the system of claim 211 does not directly affect the claimed structure or the manipulative functionality of the system, the title of the person is analogous to that of non-functional descriptive data, which is generally not afforded any patentable weight. In other words, as the claim is currently recited, it does not preclude specialists in information technology from using the graphical user interface to perform operations on the model entity. Any type of user could be specified in the claimed system and the structural elements and manipulative functionality would remain the same. Therefore, this non-functional descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir.

1994); *In re Ngai*, 367 F.3d 1336, 1336, 70 USPQ2d 1862, 1863-64 (Fed. Cir. 2004); MPEP § 2106. Additionally, the scope of what constitutes persons *not* being specialists in information technology has not been defined in the claimed subject matter. Thus, the Buteau reference is a system for supporting management of a collaborative activity by person involved therein, *the person not being specialists in information technology*.

In response to argument 3), Examiner respectfully disagrees. As discussed in the response to argument 2) above, Examiner maintains that the limitation, *the persons not being specialists in information technology*, is non-functional descriptive data and therefore, does not warrant patentable weight. However, Examiner also respectfully submits that the GUI of Buteau does teach allowing a non-technical user to employ the GUI to control access to the model entity, assign the model entity to a location in a hierarchy or view model entities as ordered by a value in the information concerning the collaborative activity to which the entities give access. For example, in Figure 8 and col. 22, lines 20-31, Buteau discusses the GUI of the system providing limited access to the database by providing conventional GUI features that control the format of the information being inputted into the database. In the discussion, pull-down menus are described as being employed by the GUI because pull-down menus “ensure that the consistent entries [into the database] are made by different people.” Examiner respectfully submits a pull-down menu in a GUI may be construed as allowing a non-technical user to operate the GUI as pull-down menus are old and well-known GUI features (at least to the extent that they predate Appellant’s invention’s priority date of

May 7, 1999) and, further, do not require knowledge of database maintenance, yet allow a user to edit data in the database. Further, as illustrated by the "Edit Organizations" label at the top of the GUI in Figure 8, a user may operate the GUI to view and edit the organization model entity including data relating to the organization hierarchy such as locations, types of people and technology acquisitions, where the view is based on the organization's level in the hierarchy as shown by the example in Figure 8 of the organization model entity, "Center for Applied Technology" being part of another organization model entity, "Defense Systems." Thus, the GUI of the Buteau reference does disclose allowing a non-technical user to employ the GUI to control access to the model entity, assign the model entity to a location in a hierarchy or view model entities as ordered by a value in the information concerning the collaborative activity to which the entities give access.

In conclusion, Appellant's arguments have been fully considered, but found unpersuasive.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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